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Technical assistance and capacity-building

Situation of human rights in Yemen

Report of the United Nations High Commissioner for Human Rights*

Summary

In the present report, the United Nations High Commissioner for Human Rights makes an updated assessment of the overall situation of human rights in Yemen from 1 July 2014 to 30 June 2015, in the context of the deterioration in the security situation since September 2014. The report describes both alleged violations and abuses of international human rights law and alleged violations of international humanitarian law by parties to the conflict. The High Commissioner concludes the report with recommendations, including some contained in previous reports of the High Commissioner on the situation in Yemen.

* Late submission

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I. Introduction

1. The present report, submitted to the Human Rights Council pursuant to its resolution 27/19, is the report of the United Nations High Commissioner for Human Rights, covers the period from 1 July 2014 to 30 June 2015, particularly in the context of the deterioration in the security situation in Yemen since September 2014.

2. During the period under review, the increasing level of insecurity in Yemen severely hampered the capacity of the Country Office of the Office of the High Commissioner (OHCHR) in Yemen to implement effectively its overall mandate, namely, that of monitoring allegations of violations of international humanitarian law and violations and abuses of international human rights law, and also of undertaking a wide range of human rights activities, including capacity-building for national stakeholders. Notwithstanding the afore-mentioned challenges, the present report is primarily based on human rights monitoring carried out by OHCHR in Yemen and includes information provided by other United Nations entities operating in Yemen. Unless specifically stated, all reports of violations and abuses have been verified or cross-checked with a number of independent and credible sources.

II. Background

A. Political developments and security situation

3. During the period under review, Yemen was afflicted by increasing tensions that seriously compromised progress in a range of political and human rights developments. On 8 March 2014, presidential decrees No. 26/2014 and 27/2014 established a constitutional drafting commission and named its 17 members, including four women. The decrees provided that the drafting of the Constitution would be followed by public consultations and a referendum within one year. That process was interrupted when violent outbreaks increased in September 2014, with an immediate impact on the security situation in Sana'a and several main cities in the country.

4. Tensions began to grow in June and July 2014, when an armed offensive was launched in Amran Governorate by members of the Popular Committees, affiliated with the Houthi movement,[1] led by Abdel Malik al-Houthi, in conjunction with deserters from the Yemeni Armed Forces and tribesmen loyal to former President Ali Abdullah Saleh,[2] against troops from the 310th Armoured Brigade of the Yemeni Army, led by Brigadier General Hamid Mohammed al-Qushaibi, as well as armed groups affiliated with the Islah party[3] that are also in conflict with the Houthis. Those clashes reportedly resulted in at least 204 casualties and the displacement of tens of thousands of people in June and July 2014 alone.

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[1] The Houthis, also known as Ansar Allah, is a movement based on the Zaidi doctrine, and followers of the late Hussein al-Houthi, who was killed by the Yemeni Armed Forces in September 2004. The Houthis are known to have a large presence in the northern Governorate of Sa'ada.

[2] Ali Abdullah Saleh was the president of Yemen from 1990 until 2012, and previously served as President of North Yemen from 1978 until unification with South Yemen in 1990. In November 2011, following widespread protests against his Government, Saleh signed an agreement prepared by the Gulf Cooperation Council whereby he agreed to transfer power to the then Vice-President, Abd Rabbo Mansour Hadi, in exchange for immunity from criminal prosecution.

[3] The Islah is the name commonly used to refer to the Yemeni Congregation for Reform, a Yemeni political party established in 1990 and believed to be affiliated with the Muslim Brotherhood.

5. On 9 July 2014, the Popular Committees attacked and took over Amran city (Amran Governorate), north of Sana'a. The day before, Brigadier General Al-Qushaibi was killed in clashes between the Popular Committees and the 310th Armoured Brigade. The circumstances of his death remain unclear. Although allegations were made that Al-Qushaibi had been detained then executed, OHCHR was unable to verify them. The arsenal in possession of the 310th Armoured Brigade fell into the control of the Popular Committees. Their takeover of Amran aggravated the vulnerability of the capital and of the sitting Government.

6. On 18 August 2014, tens of thousands of pro-Houthi demonstrators took to the streets in Sana'a and several other cities to protest against the Government, blaming President Abd Rabbo Mansour Hadi for failing to carry out the reforms promised. Abdel Malik al-Houthi called upon President Hadi to dissolve the Government and reinstate fuel subsidies, which had been abolished on 30 July 2014, resulting in a net increase in the cost of fuel and other goods. Following the first day of demonstrations, members of the Popular Committees began arriving in Sana'a, establishing protest camps in different locations within the city, including nearby several ministries. Counter demonstrations by pro-Government supporters were held in Sana'a throughout the following month, some of which degenerated into violent clashes between opponents.

7. On 29 August 2014, the Security Council adopted a statement by the President of the Council, expressing grave concern about the deterioration of the security situation in Yemen, and recalling that individuals or entities threatening the country's peace, security or stability could be subject to targeted sanctions (S/PRST/2014/18).

8. On 2 September 2014, President Hadi dismissed his cabinet and called upon the Houthi leadership to participate in a new government. He also agreed to partially reinstate fuel subsidies. The Houthis rejected the proposal and threatened to escalate their protests. In the weeks that followed, fighting escalated in Al-Jawf Governorate between Houthis and armed groups affiliated with the Islah party.

9. Fighting also broke out in Sana'a between supporters of the Houthis and government forces as the Popular Committees launched an offensive on the city. OHCHR was informed by witnesses that, between 18 and 21 September 2014, a total of 22 State buildings and the premises of civil society organizations were seized and occupied by members of the Popular Committees across Sana'a.

10. On 21 September 2014, President Hadi, together with Houthi delegates and major political parties, signed the Peace and National Partnership Agreement to stop the fighting. The Agreement called for a new, technocratic government to be established within one month and for the reduction of fuel prices by 25 per cent. It also stipulated that President Hadi should appoint two advisers from the Houthis and Al-Hirak,[4] and a new Prime Minister within the first three days of the signing. On the following day, Houthi forces attacked and seized the headquarters of the Sixth Regional Military Command (previously known as the First Armoured Division) in Sana'a. At around the same time, Al-Hirak renewed calls for independence and, on 14 October 2014, staged a demonstration with tens of thousands of people in Aden in support of secession. Over the following weeks, pro-independence rallies continued in a number of cities, principally in Aden.

11. On 7 November 2014, pursuant to Security Council resolution 2140 (2014), in which the Council established a panel of experts to investigate those who engaged in or

[4] Al Hirak ("the Southern Movement") is a political movement operating in the territory of what was formerly South Yemen before it unified with the Republic of Yemen in 1994. The movement calls for the independence of the South from the Republic of Yemen.

provided support for acts that threatened the peace, security or stability of Yemen, the Security Council Committee established pursuant to resolution 2140 (2014) (2140 Sanctions Committee) designated three individuals as the subject of an assets freeze and travel bans: Abd al-Khaliq al-Houthi and Abdullah Yahya al-Hakim, Houthi military commanders; and Ali Abdullah Saleh, President of Yemen's General People's Congress party and former President of Yemen.

12. On 7 January 2015, the Constitutional Drafting Committee submitted the draft Constitution to President Hadi. On 17 January 2015, Ahmed Awad bin Mubarak, Chief of Staff of President Hadi and Secretary-General of the National Dialogue Conference, was abducted by the Popular Committees while travelling to a meeting organized by the national body to approve the draft Constitution. The draft was eventually endorsed by 16 of the 17 members of the Constitutional Drafting Committee. The Houthis were opposed to the draft, in particular the division of the country into six administrative regions. On 18 January, President Hadi ordered the security forces to restore government control over Sana'a, large sections of which had been seized by the Popular Committees, affiliated with the Houthis, since September 2014. On 19 January 2015, fighting broke out in Sana'a between Houthi forces and members of the presidential guards. On the following day, the Houthis seized the presidential palace and the residence of President Hadi, who was then placed under house arrest, together with other senior officials.

13. On 21 January 2015, President Hadi and the Houthis announced a 10-point agreement, including provisions to revise the draft Constitution and to allow the Houthis to appoint new members to the Government. On 22 January, President Hadi, Prime Minister Khaled Bahah and the entire Cabinet resigned. On 25 January, the Parliament was scheduled to consider the resignation but its session was postponed; as at July 2015, it had not reconvened. On 21 February 2015, President Hadi escaped to Aden, announcing that he intended to continue to exercise his presidential functions. Meanwhile, the Prime Minister and key ministers remained under house arrest by the Popular Committees affiliated with the Houthis. On 19 March, the presidential palace in Aden came under aerial attack, allegedly by pro-Houthi members of the Yemeni Air Forces. President Hadi fled to Saudi Arabia on 25 March.

14. On 24 March 2015, President Hadi requested the Gulf Cooperation Council and the League of Arab States to intervene militarily, citing Article 51 of the Charter of the United Nations (S/2015/217). On 25 March, a number of States members of the Gulf Cooperation Council and the League of Arab States, led by Saudi Arabia, formed a coalition to initiate military action alongside other countries against the Houthis, in response to President Hadi's request. On 26 March, coalition forces[5] launched an aerial military campaign against Houthi military targets in Yemen. The Government of the United States of America announced that it would provide logistical and intelligence support for the coalition. In addition to air strikes, coalition naval forces imposed a blockade on the ports of Aden and Al-Hudaydah.

15. On 15 April 2015, the Special Adviser to the Secretary-General on Yemen, Jamal Benomar, announced his resignation. Ismail Oud al-Cheikh Ahmed was appointed as the new Special Envoy of the Secretary-General for Yemen on 25 April.

[5] The coalition consists of all the States members of the Gulf Cooperation Countries (with the exception of Oman), as well as Egypt, Jordan, Morocco and the Sudan.

B. Humanitarian situation

16. The humanitarian situation began to deteriorate following the Houthi takeover of the capital and other cities, beginning in September 2014. The armed conflict began to escalate on 26 March 2015, when the coalition forces commenced its aerial strikes and imposed a naval blockade on the main seaports in Yemen. This dramatically worsened an already dire humanitarian situation, particularly in the worst affected areas, such as Sa'ada, Hajjah, Taizz, Al-Dhale'e, Aden and Lahj. As at June 2015, the humanitarian country team estimated that 20.4 million people required humanitarian assistance in Yemen, in particular water, protection, food and health care.[6]

17. Yemen essentially depends on commercial food and fuel imports to meet the basic needs of the population. More than 90 per cent of food is imported. At the end of the period under review, approximately 12.3 million people – about half the country's population – suffered to some degree from food insecurity. Furthermore, as much as 80 per cent of the population relies on some form of assistance to maintain access to safe drinking water and sanitation.[7] Severe import restrictions, caused mainly by the naval blockade imposed by the coalition forces during the conflict, have also aggravated the humanitarian situation, resulting in fuel scarcity, which adversely affects the distribution of food and water, as well as the functionality of hospitals.

18. Given that all domestic fuel refineries were forced to stop operating by to the security situation, the country was heavily dependent on imported fuel.[8] In April and May 2015, fuel imports were equivalent to only 1 per cent and 18 per cent respectively of the total estimated fuel needs.

19. The humanitarian country team estimated that, as at June 2015, some 15.1 million people required assistance to obtain basic health care. Some 1.5 million women and children were in need of nutrition supplies, and 2.9 million children required emergency access to education. About 1.2 million people (1 million internally displaced persons and 200,000 vulnerable host communities) required support for access to emergency shelter and essential goods. Moreover, the humanitarian country team reported more 7,000 cases of dengue fever since March 2015.[9]

C. International legal framework

20. Yemen is a party to seven of the nine core international human rights treaties and to the two Optional Protocols to the Convention on the Rights of the Child. Despite approval by the Cabinet, the Parliament has yet to approve the ratification of a number of human rights instruments, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

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[6] Office for the Coordination of Humanitarian Affairs, Yemen Humanitarian Response Plan, 19 June 2015.

[7] Ibid.

[8] Office for the Coordination of Humanitarian Affairs, Reliefweb, "Yemen: Reduced Imports Worsen Crisis", 23 June 2015.

[9] Office for the Coordination of Humanitarian Affairs, Yemen Humanitarian Response Plan, 19 June 2015.

21. Yemen is a party to all four Geneva Conventions of 12 August 1949 and to Additional Protocols I and II thereto, and to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

22. Yemen is also bound by customary international law, including customary international humanitarian law and customary international human rights law.

23. As a State party to the above-mentioned conventions, Yemen is legally bound to respect, protect and fulfil the human rights of those within its jurisdiction. In addition, all parties to the conflict in Yemen, including Saudi Arabia and other members of the coalition, are obliged to respect the applicable rules of international humanitarian law. These include the obligations to respect the principles of distinction and proportionality, and to take all feasible precautions to protect the civilian population. Civilians and civilian objectives are protected from attack. Hospitals, schools and religious sites are also subject to heightened protections, and attacks on them have an impact on peoples' enjoyment of their rights, including to health, education and freedom of religion. Parties to the conflict must also allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need. It is important to recall that a situation of armed conflict does not exempt any State from its human rights obligations.

24. While non-State actors cannot formally become parties to international human rights treaties, non-State actors that exercise government-like functions and de facto control over a territory are increasingly considered to be bound by international human rights obligations when their conduct affects the human rights of the individuals under their control.

III. Situation of human rights

A. Conduct of hostilities

25. For years, Yemen has been torn by conflicts between different political and ideological forces. The current conflict between the Government of Yemen and the armed groups has polarized the country in an unprecedented manner. The subsequent intervention of the coalition forces intensified hostilities.

26. The information reported below was gathered by OHCHR in Yemen, which has continued to monitor the situation closely despite the security-related challenges, and while having to relocate its international staff members to Amman intermittently since May 2014. The stringent security restrictions and the intensification of the conflict have required serious limitations to access to the areas where people have been most affected by the violence. As a result, OHCHR was unable to verify the vast majority of allegations of human rights violations and abuses or violations of humanitarian law that had been reported in relation to the ongoing conflict. The information below highlights examples of allegations of attacks that were documented by OHCHR in Yemen throughout the period under review.

27. In September 2014, the armed confrontation spread to Sana'a, resulting in further casualties. According to the Ministry of Public Health, a total of 274 people, including civilians, were killed as a result of fighting between Yemeni Armed Forces and the Popular Committees between 17 and 21 September 2014.

28. According to information received by OHCHR, 1,527 civilians were killed and 3,548 injured between 26 March and 30 June 2015 as a result of the conflict, including by air strikes. Of the casualties, at least 941 civilians were killed and 2,295 injured by coalition

air strikes, while 508 civilians were killed and 954 injured by joint operations led by the Popular Committees and military forces loyal to former President Saleh in ground battles. Furthermore, 54 civilians were killed and 234 injured as a result of other armed confrontations between parties to the conflict, while at least 24 civilians were killed and 65 injured in attacks claimed by Al-Qaida in the Arabian Peninsula,[10] mainly in Sana'a, Aden and Taizz.

29. OHCHR received reports that at least 310 civilian infrastructures were partially or completely destroyed by coalition air strikes and ground fighting throughout the country from 26 March to 30 June 2015. They included 160 private homes and 150 civilian public infrastructures that were partially or completely destroyed by the armed conflict. Of the civilian public infrastructures, 95 civilian public buildings were affected by coalition air strikes while 48 were damaged by shelling attributed to the Popular Committees. In addition, four civilian public buildings were partially or completely destroyed by the local armed groups opposing the Houthis as a result of armed clashes between the two opponent groups. Lastly, at least three civilian public buildings were partially or completely destroyed as result of attacks claimed by Al-Qaida in the Arabian Peninsula.

30. According to information received, at least 15 heritage sites, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site of Old Sana'a and the Seera Castle in Aden were damaged by the armed conflict between 26 March and 30 June 2015. Sites were damaged by included air strikes, rocket attacks, artillery shelling and ground fighting. Sites were also used for military advantage by members of the Popular Committees and military units loyal to former President Saleh.

31. In addition, according to information available to OHCHR, 53 health facilities were damaged or affected, and 96 schools were damaged, while 67 were used by armed groups in the 18 governorates affected.[11]

32. According to satellite imagery acquired by the United Nations Institute for Training and Research Operational Satellite Applications Programme (UNITAR-UNOSAT) on 7 January and 17 May 2015, a total of 1,171 structures had been affected by the conflict: approximately 273 structures had been destroyed, 271 were severely damaged and 627 moderately damaged. In addition, 35 impact craters were found within the city, the majority of which were located along the runway of Sadah City Airport. Four medical facilities were identified within 100 metres of damaged and destroyed buildings; it is possible that they also sustained some damage. This is a preliminary analysis and has not yet been verified in the field by OHCHR. Data will be cross-referenced and verified with the figures collected above in due course.

1. Allegations of violations and abuses by the Popular Committees and forces loyal to Ali Abdullah Saleh

33. OHCHR received reports that the Popular Committees affiliated with the Houthis launched attacks that damaged public schools, mosques and Koranic schools. For example,

[10] Al-Qaida in the Arabian Peninsula, the Yemeni chapter of Al-Qaida, is the result of the union of the Saudi and Yemeni branches of Al-Qaida in January 2009. Its stated objectives include the overthrow of the regime in Sana'a, and to kill Western nationals and their allies, including members of the Saudi royal family. The group has been in conflict with the Government of Yemen since its establishment. The Houthi advance has resulted in violent clashes with its fighters and has emboldened Al-Qaida in the Arabian Peninsula in its quest to expand their control and recruit fighters from Sunni tribes, claiming that the Houthis are Shia forces supported by the Islamic Republic of Iran.

[11] Office for the Coordination of Humanitarian Affairs, 2015 Yemen Humanitarian Needs Overview 23 June 2015.

according to witness accounts, the Popular Committees reportedly launched an attack in early July 2014 that resulted in, inter alia, the destruction of a school in Beit al-Fakih and the Dar al-Quran Mosque in Amran city. On 11 July 2014, the Al-Salam mosque was reportedly occupied by the Popular Committees during the Friday sermon.

34. OHCHR received reports that, on 21 February 2015, in Lahj Governorate, three civilians were killed as a result of shelling from the Anad Military Base, which is controlled by forces loyal to former President Ali Abdullah Saleh. OHCHR interviewed witnesses but was unable to verify the presence of any military targets that would justify these attacks.

35. On 31 March 2015, at least 20 employees at a cement factory in Lahj were killed and 36 others injured as a result of shelling from Al-Anad military base. The base was under the control of the Houthi and Saleh armed groups when the attack took place. Vehicles and buildings were also destroyed. OHCHR documented structural damage to three hospitals and 13 educational institutions in Al-Dhali Governorate as a result of intense indiscriminate shelling, from 25 to 27 March, targeting residential areas by the 33rd Armoured Brigade loyal to former President Saleh. According to information received by OHCHR, the hospitals affected included Al-Nasr Hospital (operated by Medecins sans Frontières) in Qasha', Al-Salamah Hospital and Al-Dhali Hospital. Educational institutions damaged by shelling include Al-Jumrok Faculty of Education, the Tadhamon Faculty of Education and the Al-Dhali Community College.

36. On 10 April 2015, two civilians were killed and five others were injured as a result of shelling allegedly by members of the Popular Committees. The shelling hit the Al-Salam Area, Khormaksar District, Aden. All seven victims were inside their homes, which were destroyed by the shelling launched during violent clashes near the Badr military base.

37. On 22 April 2015, in one incident in Crater District, in Aden, a child was shot in the head and killed, and a man and a woman from the same family injured as a result of what was apparently a sniper attack launched from the Al-Yafai building in the Al-Qate'e area. It is believed that the area was controlled by the Popular Committees.

38. On 6 May 2015, a civilian was shot in the head and killed, allegedly by a sniper on the roof of the Education College building in Al-Humaira village, Al-Dhali, under the control of the Popular Committees affiliated with the Houthis.

39. On 16 May 2015, in Al-Mesrakh city (Taizz Governorate), eight civilians, including four children and three women, were killed and two women and a child were wounded as a result of artillery shelling reportedly launched from the position of the 22nd Armoured Brigade, affiliated with the Popular Committees.

40. On 30 May 2015, in Sanah district (Al-Dhali Governorate), two civilians were killed, including a woman, while 12 others were injured, including three children, as a result of artillery shelling apparently launched from the area of the Al-Menshar military location in Khobar. The attack was reportedly launched by members of the Popular Committees and the 33rd Armoured Brigade loyal to former President Saleh. OHCHR received reports that members of the Popular Committees and the 33rd Armoured Division loyal to former President Saleh were shelling the villages of Khobar, Al-Kabeh, Al-Rebat, Lakmaht Salah and Jouss Al-Jamal. The number of civilian casualties could therefore be even higher.

41. On 9 June 2015, in the area of Sanah, Al-Dhali, seven civilians were killed, including four children, and nine others, including a child, were injured as a result of shelling by the 33rd Armoured Brigade loyal to former President Saleh. In the same incident, 13 private houses were moderately or severely damaged.

42. On 11 June 2015, a child was reportedly killed after sustaining a gunshot wound to the arm. Family members who witnessed the incident and interviewed by OHCHR reported

that the child was standing next to his mother queuing to purchase ice in Souq Al-Taweel Market Area, Crater District, Aden. The shooting reportedly came from the direction of a position held by combatants of the Popular Committees. On 12 June, nine civilians were killed in Al-Mansourah, in Aden following artillery shelling reportedly carried out by members of the Popular Committees.

43. Since the escalation of the conflict in Yemen on 26 March, OHCHR has documented the killing of at least 18 civilians as a result of apparent sniper attacks in Aden, Al-Dhali and Taizz.

2. Allegations of violations committed by coalition and joint government forces

44. Information gathered by OHCHR indicated that, on 30 March 2015, the coalition forces launched a number of air strikes that hit the al-Mazraq camp for internally displaced persons in Harad.[12] At least 19 civilians were reportedly killed and 35 others injured, including 11 children. The camp, which shelters some 4,000 people, was established by the United Nations in 2009 and, at the time of the attack, hosted at least 300 families recently displaced from Sa'ada. Information provided to OHCHR did not identify the presence of any military objectives in the area.

45. At least 20 civilians were killed and 59 others injured when a dairy factory was directly hit in four air strikes in Hudaydah city (Al Hudaydah Governorate), on 31 March 2015. The people killed inside the factory were personnel. On 12 May, at least 43 civilians, including eight women and 12 children, were killed, while an additional 135 were injured as a result of four air strikes that directly hit the Al-Wajeeh building located in a busy commercial hub in Zabeed (Al-Hudaydah Governorate). The majority of the casualties belonged to Al-Muhamasheen community. The information received by OHCHR did not clarify whether the building was deliberately targeted.

46. On 20 April 2015, at least 87 civilians were killed, including six children and two women, and at least 647 others injured as a result of airstrikes that appeared to be directed at the Faj Attan military base in Sana'a. Hundreds of homes and private businesses in the vicinity of the base (as far as Al-Tahrir Square) were damaged.

47. On 21 April 2015, 40 civilians were killed, including seven children, and 70 civilians were injured as a result of air strikes that hit the Al-Dhaleel bridge (Ibb Governorate). Reports indicated that the connection bridge between Ibb and the main route to Sana'a Governorate was hit twice by air strikes, causing a large number of civilian casualties. People were arriving to assist those injured by the first explosion when missiles were launched in a second round of air strikes.

48. OHCHR received reports alleging that, in late April 2015 in Sa'ada Governorate, cluster munitions were used by the coalition forces in several air strikes, which resulted in at least six civilian casualties, including children. Owing to the continuing airstrikes, OHCHR was unable to collect any further information.

49. On 5 May 2015, fighters from the Popular Committees from the Bakil al-Meer tribe (in Hajjah) attacked areas of Najran city, including what appeared to be civilian objects, and also reportedly attacked Saudi border guard posts. In retaliation, on 8 May, coalition forces announced a military operation against Sa'ada, warning civilians to stay away from what they said were Houthi locations and crowds. In particular, the coalition forces declared the cities of Marran and Sa'ada military zones. According to Saudi State television

[12] OHCHR, "Yemen: The world must be prepared for rapid collapse into mass displacement crisis – UN expert", 8 April 2015.

channel Al-Ekhbariya, flyers announcing the operation were released over Old Sa'ada. According to information received by OHCHR, the limited availability of fuel, the particularly challenging terrain, and barely operational telecommunications services prevented tens of thousands of civilians from complying with the ultimatum launched by the coalition.

50. Despite the obstacles, thousands of inhabitants fled from Sa'ada to the neighbouring governorates of Amran and Hajjah, while at least 15,984 were internally displaced within Sa'ada. Although OHCHR was unable to obtain detailed information on affected cities and resulting casualties, it was informed that coalition air strikes hit at least six residential homes and five markets in Sa'ada, reportedly with no evidence of Houthi military deployment.

51. On 6 May 2015, 15 civilians were killed, including four children and three women from the same family, when two homes collapsed while the families were inside. The homes were hit by two air strikes in Al-Dhaid, Sa'ada.

52. OHCHR gathered information indicating that, on 7 June 2015, coalition forces conducted air strikes against an area hosting a high concentration of internally displaced persons in Duaij village (Hajjah Governorate), allegedly killing four civilians, including three women, and injuring 41 civilians, including 12 women and 16 children. Four makeshift homes for displaced persons were allegedly destroyed in that incident. On 14 June, a family of 10, including four women and two children, were allegedly killed in Al-Hamza as a result of an air strike by coalition forces that struck their vehicle travelling from Al-Jawf to Sana'a.

53. OHCHR documented allegations that, on 17 June 2015, two buses transporting displaced families were hit by air strikes conducted by coalition forces in Al-Alam (Abyan Governorate). It found that 17 civilians had been killed in the incident, including five women and five children, while 10 others, including two women and three children, had been injured. The victims were reportedly fleeing the violence from Al-Mansoura district (Aden Governorate), and were on their way to Hadramout.

3. Armed drones

54. OHCHR was informed of reports of drone strikes in parts of the country with allegations of civilian casualties. The attacks are believed to have been conducted by joint forces of the United States of America and Yemen as part of a campaign against Al-Qaida in the Arabian Peninsula. OHCHR received reliable information indicating that as many as 40 civilians, including a child, may have been killed during the period under review as a result of drone attacks in Al-Baida, Al-Jawf, Marib and Shabwah. According to a Yemeni non-governmental organization, a one-year-old boy and two adults were killed on 26 January 2015 after a Yemeni Air Force drone struck a vehicle at Huraib (in Marib Governorate). The victims were in a car reportedly suspected of transporting members of Al-Qaida in the Arabian Peninsula. No official investigation had been conducted at the end of the period under review.

B. Arbitrary detention, allegations of torture and other ill-treatment and prison conditions

55. Despite Cabinet decision No. 180 (2012) to release all those detained in relation to their participation in the uprising 2011 against the former Government of Yemen, 16

individuals continued to be held in pretrial detention in connection with the events. No charges were brought against them nor were they tried during the period under review.[13]

56. OHCHR received reports indicating that at least 124 people, many believed to be civilians, were detained by the Popular Committees between 3 and 21 November 2014 in unrecognized places of detention, including the Amran Sport Stadium and in private homes throughout Amran Governorate. The circumstances of detention are not known, given that OHCHR was denied access to the detainees.

57. On 7 December 2014, OHCHR was informed by representatives of the Governorate of Amran that about 250 men had been detained by members of the Popular Committees at the Amran sports stadium. According to OHCHR sources, the majority of the detainees were eventually released, with the exception of 18 individuals, who were still in detention at the end of the period under review. The circumstances of detention remain unknown.

58. From 19 January to 19 February 2015, OHCHR documented 145 cases of persons detained by the Popular Committees. Most cases involved detention of anti-Houthi protestors. Witnesses informed OHCHR that they had been held between one and seven days in former government prisons that had been taken over by the Popular Committees in Sana'a, Houdaida, Ibb and Hajjah. Some alleged having been subjected to different forms of ill-treatment, which may amount to torture, at the hands of the Popular Committees in Sana'a.

59. OHCHR also learned that, on 4 February 2015, six students were detained by members of the Popular Committees for organizing peaceful sit-ins organized to call for the withdrawal of the Popular Committees from the student halls of residence in Arhab district (Sana'a Governorate). The students were then reportedly transferred to an unknown location aboard a military vehicle carrying a Houthi slogan. OHCHR has no information on their whereabouts.

C. Right to freedom of expression

60. Freedom of expression was considerably undermined and the safety of journalists dramatically deteriorated during the period under review. OHCHR documented dozens of cases of violations of the right to freedom of expression, including incidents where journalists had been subjected to threats and physical attacks. Some of the most salient incidents documented by OHCHR are described below.

61. On 18 September 2014, members of the Popular Committees stormed the State television station in Sana'a and clashed with security guards. The Minister for Information later announced that members of the Popular Committees had seized control of State-run television and of the national news agency Saba. On 22 January 2015, the Popular Committees took control of the Aden State television station and suspended broadcasts. The Popular Committees have exercised complete control over the State television broadcasts since.

62. OHCHR received credible allegations that, from 21 January to 19 February 2015, at least 17 journalists were illegally detained by members of the Popular Committees, eight of whom had been detained repeatedly in previous months. Nine of them informed OHCHR that they had been physically abused, while all but one had been reportedly threatened with a weapon.

[13] According to OHCHR sources, one of the demonstrators arrested in 2011 was released in July 2013.

63. On 3 February 2015, two journalists employed by a satellite channel were detained by members of the Popular Committees while covering events at Sana'a University. Both were reportedly transferred to the 14th police station in Sana'a and held for three days before being released without charges against them.

D. Death penalty

64. Yemen has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. National legislation imposes the death penalty for a wide range of offences,[14] including financial crimes, blasphemy, offences committed under *Hodoud* (religiously ordained crimes) and *Qisas* (death in retribution) and drug-related offences. The Penal Law also maintains death by stoning for extramarital heterosexual and consensual adult homosexual intercourse.[15]

65. While the Penal Law prohibits the death penalty for minors, courts still hand down death sentences to minors or adults found guilty of committing crimes when they were under the age of 18 years. The practice is attributed to, among other factors, the difficulty in determining the age of offenders in the absence of birth certificates.

66. Yemen has not established a moratorium on the use of the death penalty. Despite repeated requests by OHCHR, the Attorney General did not provide figures on the number of individuals on death row or who have been executed during the period under review. The imposition of the death penalty for any but the most serious crimes, or for persons under the age of 18 years at the time of commission of the crime, is a contravention of international law. In addition, death by stoning amounts to cruel and inhuman punishment.

E. Children's rights

67. The overall situation of children in Yemen has significantly deteriorated since the intensification of the conflict, particularly since March 2015. The United Nations country task force on monitoring and reporting documented that 74 children were killed and 242 injured between 26 March and 11 June 2015.

68. Furthermore, as noted above, attacks affecting schools in the context of hostilities have endangered children's safety and restricted their right to education. OHCHR also found that there had been a significant increase in child abductions, with at least 81 documented cases of children abducted by different groups between January and March 2015, as against only two documented incidents in the last three months of 2014.

69. The United Nations Children's Fund (UNICEF) informed OHCHR that the recruitment and use of children in conflict rose sharply during the period under review. Trained monitors and United Nations staff members documented numerous cases of children manning checkpoints or being used by armed groups in the context of hostilities. In 2014, 157 cases of children allegedly being used for military purposes were documented. In the month and a half following the start of the aerial bombardments on 26 March 2015, 318 instances of children seen carrying weapons at checkpoints and elsewhere were

[14] A total of 315 offences are punishable by the death penalty under four main laws: the Penal Law (1994), the law on combating kidnapping (1998), the military Penal Code (1998) and the law on combating trafficking and the illicit use of drugs and psychotropic substances (1993). A draft law on combating human trafficking would introduce another offence punishable by death.

[15] According to international human rights jurisprudence, these crimes do not meet the threshold of "most serious crimes" and should not be punishable by death (see A/HRC/27/23, paras. 28–39).

documented. Even though appointed monitors could not always identify the group responsible for the recruitment of children, reports indicate that both government and non-State armed groups – including the Popular Committees and the tribal militias affiliated with the Islah party – are recruiting and using children as soldiers.

70. Under international law, the use and recruitment of children in armed conflict is strictly prohibited. The use of children below 15 years of age in active hostilities is a war crime.

71. OHCHR observed that, while the pattern of child marriage has been declining, it remains a common practice, affecting around 10 per cent of girls under the age of 15.[16] Early marriage, a practice that contravenes international human rights law, is perpetuated by the lack of a legislative framework that identifies the minimum age of marriage and persisting traditions. Following advocacy efforts by UNICEF and OHCHR, language was included in the draft Constitution stipulating the minimum age for marriage as 18 years.

F. Refugees, migrants, asylum seekers and internally displaced persons

72. During the period under review, large numbers of refugees, asylum seekers and migrants continued to arrive in Yemen. While a signatory to the Convention relating to the Status of Refugees, Yemen has not incorporated the Convention into national law nor has it established a procedure for determining refugee status. In the absence of such legislation, the legal status of asylum seekers and refugees has been governed by a combination of decrees and provisions. While the authorities may grant refugee status on a *prima facie* basis to Somali refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) determines refugee status for all other asylum seekers.

73. The scale and intensity of the conflict has left thousands of undocumented migrants trapped and deprived of basic resources and attention. According to UNHCR and the International Organization for Migration, more than 4,000 migrants arrived from the Horn of Africa in April 2015 alone.

74. On 20 April 2015, the Protection Cluster formed a task force on population movements to better coordinate partners' efforts in collecting and disseminating consistent and reliable data on internally displaced persons in Yemen. Since the beginning of the aerial bombardment by coalition forces on 26 March 2015, the total number of displaced persons has increased to approximately 1 million.[17] Furthermore, during the period under review, documented incidents of administrative detention of newly arrived immigrants appear to have increased. OHCHR understands that a large proportion of those detained are being held in overcrowded facilities.

75. During the period under review, hundreds of men, women and children continued to be victims of human trafficking into and from Yemen. OHCHR discovered numerous cases of displaced persons, including children, reportedly kidnapped in camps and subsequently trafficked abroad. Refugee women and children are at particular risk, and are often kidnapped for ransom. Cases of physical and sexual violence against men and boys were also reportede along the coast of the Red Sea. Smuggling and trafficking gangs have been reportedly operating with impunity in Yemen.

76. Progress was recorded in the Government's efforts to set up institutional mechanisms to counter human trafficking. Established in 2013, the National Technical

[16] UNICEF, Situation Analysis of Children in Yemen 2014.
[17] 2015 Yemen Humanitarian Needs Overview, 23 June 2015.

Committee to Counter Human Trafficking, chaired by the Minister for Human Rights, met several times during the period under review. Legislation criminalizing human trafficking was drafted by the Ministry of Justice, reviewed by the Committee, commented on by United Nations entities and submitted to the Parliament for review and enactment. At August 2015, the draft bill was still pending parliamentary endorsement.

G. Marginalized groups

77. Yemen does not recognize in its legislation the marginalized status of some minority groups, who continue to suffer from discrimination, in particular the Muhamasheen (also known as Al-Akhdam), a social group whose exact number remains unknown (according to unofficial sources, there are between 500,000 and 3.5 million Muhamasheen in Yemen). The group has no political representation at the national level and suffers from extreme levels of social stigma and discrimination, which exacerbates their socioeconomic exclusion and poverty. For centuries, they have been excluded from mainstream society, and they continue to be subjected to severe forms of descent-based discrimination. The Muhamasheen mainly reside in underdeveloped neighbourhoods in the outskirts of Sana'a, Aden, Taizz, Lahij, Al-Abyan, Al-Hudaydah and Al-Mukalla. According to a national statistical and population monitoring survey conducted in 2012, the illiteracy rate among the Muhamasheen community is around 90 per cent. Women and children are forced to beg in rural areas, and to work as entertainers at weddings or community ceremonies. The Government has also failed to adopt legislation criminalizing abuses against them, which serves to reinforce discriminatory practices. The Muhamasheen community successfully advocated for its rights during the National Dialogue Conference, particularly with regard to participation in the public sphere.[18] The Working Group on Rights and Freedoms of the Conference recommended a 10 per cent participation of persons from the Muhamasheen community in employment in public services, as well as equal access in leadership and decision-making positions. Despite the community's advocacy efforts, supported by OHCHR and other actors, this minimum participation quota was not included in the first draft Constitution.

H. Accountability and transitional justice

78. Progress in setting up accountability and transitional justice mechanisms was severely hampered by instability and violence. Throughout the period under review, governance and security continued to be affected, a situation compounded by the ongoing denial of social equity and justice, and a lack of basic services.

79. In 2014, the draft law on transitional justice and national reconciliation was further amended to bring it into line with the outcomes of the National Dialogue Conference. The final draft did not, however, include any provisions on accountability and therefore did not comply with international norms and standards. It sought rather to further strengthen immunities for high officials and to establish a mandate for a transitional justice commission. As the end of the period under review, the draft law had not been adopted.

80. Furthermore, a commission of inquiry mandated at the National Dialogue Conference to investigate allegations of human rights violations committed during the events of 2011 has still not become operational, given that its members have never been appointed by the President. In addition, the work of the Land and Dismissals Commissions

[18] See A/HRC/24/34, paras. 4-5.

in the Southern Governorates, established in January 2013 to investigate land-related violations and to provide victims with compensation, has stalled owing to a lack of funds.

81. Yemen has an obligation to investigate alleged violations of international humanitarian law and international human rights law, to bring those responsible to justice and to provide victims with an adequate and effective remedy, including reparations and the right to the truth.

I. Cooperation with the Office of the United Nations High Commissioner for Human Rights

82. Following the escalation of violence and the evacuation of international personnel from Sana'a, OHCHR was forced to interrupt a number of technical assistance activities, and to shift its focus to monitoring and documenting violations of international human rights law and international humanitarian law.

83. OHCHR established a monitoring, documentation and investigation mechanism through the deployment of monitors in conflict-affected areas. In addition, a series of training workshops on monitoring and reporting human rights violations were conducted for the benefit of members of the Protection Cluster and national non-governmental organizations. During the period under review, OHCHR human rights monitoring and documentation formed the basis of its advocacy and by other United Nations entities regarding alleged violations of international humanitarian law and international human rights law in Yemen.

84. Furthermore, OHCHR and the United Nations Development Programme (UNDP) facilitated workshops aimed at empowering civil society organizations that had been engaged in data collection relevant for the work of the Land and Dismissals Commissions.

85. OHCHR and UNDP also worked jointly to provide capacity-building to Government officials and civil society across the country in the implementation of the recommendations received by Yemen during the universal periodic review. Government sectors consequently included pertinent review recommendations in their respective operational plans. Moreover, OHCHR and UNDP supported the Government in establishing a national human rights institution. Before the hostilities spread to Sana'a in September 2014, OHCHR was working with the Government on various technical assistance projects, some of which were subsequently postponed owing to security challenges.

86. Through a joint project, OHCHR and UNDP provided support to different stakeholders in the area of the transitional justice, including by facilitating consultation workshops on the draft transitional justice law, convening representatives of the Government, the Parliament, political parties, national dialogue members, lawyers, victims' associations and tribal communities, as well as representatives of minorities and religious communities.

87. OHCHR also supported civil society organizations advocating for the endorsement of a draft law on missing persons and enforced disappearances. OHCHR delivered human rights training workshops designed to increase the knowledge and capacity of law enforcement officials, judges and prosecutors on the rights of women, marginalized groups, persons with disabilities and migrants.

88. Lastly, OHCHR and UNDP provided technical assistance to the Ministry of Human Rights with a view to developing a national human rights strategy. A document outlining the basis for the strategy was developed in consultation with civil society and relevant government bodies. The strategy describes action to be undertaken by the Government.

building upon the outcomes of the National Dialogue Conference and universal periodic review and treaty body recommendations.

IV. Conclusions and recommendations

89. **The High Commissioner is concerned about the continued escalation of violence in Yemen and the related allegations of violations of international humanitarian law, some of which may amount to war crimes, and violations and abuses of international human rights law. This situation is partly the result of failure to address past grievances and to bring perpetrators to justice.**

90. **Recalling the recommendations already made by OHCHR in previous reports on the situation of human rights in Yemen, the High Commissioner recommends that all parties to the conflict:**

(a) To comply with their obligations under international humanitarian law and international human rights law, as applicable, including by taking all feasible precautions to avoid and minimize civilian casualties;

(b) To abide by the principles of distinction, proportionality and precautions in attacks in the conduct of hostilities;

(c) To end the recruitment and use of children for military purposes, and to ensure that measures are taken to prevent such acts;

(d) To ensure immediate, safe and unimpeded access of humanitarian organizations to all areas under their control;

(e) To recall that the arms embargo pursuant to the Security Council resolution 2216 (2015) should not result in restrictions of the right to freedom of movement and trade in commercial goods, including fuel;

(f) To return to negotiations and to find solutions to end the conflict.

91. **The High Commissioner recommends that the coalition forces and the Government of Yemen ensure prompt, thorough, effective, independent and impartial investigations into alleged violations and abuses of international human rights law and alleged violations of international humanitarian law. The investigations should be conducted by independent bodies, their results should be made public, and those responsible should be brought to justice in a manner consistent with international human rights law and without resort to the death penalty.**

92. **The High Commissioner recommends that the Government of Yemen, pending the abolition of the death penalty, establish a moratorium on its application. In the meantime, Yemen should comply with its international human rights obligations, including by not imposing the death penalty, except for the most serious offences; suspending the application of the death penalty for crimes committed by persons under the age of 18; and ensuring scrupulous respect for the rights to due process and to a fair trial in death penalty cases.**

93. **The High Commissioner calls upon the international community:**

(a) To encourage the establishment of an international independent and impartial mechanism to investigate alleged violations and abuses of international human rights law and alleged violations of international humanitarian law that have resulted in loss of life and/or serious injury;

(b) To ensure the scaling-up of humanitarian assistance in Yemen by providing the urgently needed support to the Yemen humanitarian response plan;

(c) To cooperate with the panel of experts charged with investigating individuals or entities engaging in or providing support for acts that threaten the peace, security or stability of Yemen, pursuant to Security Council resolution 2140 (2014).